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SALIWANCHIK, LLOYD & SALIWANCHIK

A Professional Association

P.O. Box 142950

Gainesville, FL 32614-2950

Telephone (352) 375-8100

Facsimile (352) 372-5800

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TO: Examiner David A. Saunders
U.S. Patent Office, Examining Group 1644

FAX NO.: (703) 872-9306

FROM: Doran R. Pace

DATE: June 8, 2005

NO. OF PAGES (INCLUDING COVER SHEET): 4

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. MOR-100D2
MATERIALS AND PROCEDURES FOR THE PURIFICATION OF CELLS
(Lawnian, Lawman)
Serial No. 09/981,639; filed October 17, 2001

Attachment: Request for Refund Based on Improper Claim Charge (3 pages, including attachment)

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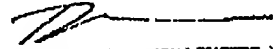
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Doran R. Pace, Patent Attorney

REQUEST FOR REFUND
Examining Group 1644
Patent Application
Docket No. MOR-100D2
Serial No. 09/981,639

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David A. Saunders
Art Unit : 1644
Applicants : Michael J.P. Lawman, Patricia Lawman
Serial No. : 09/981,639
Filed : October 17, 2001
Conf. No. : 8705
For : Materials and Procedures for the Purification of Cells
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND BASED ON IMPROPER CLAIM CHARGE

Sir:

Applicants respectfully request a refund in the above-referenced patent application for the following reason:

Applicants submitted an Amendment Under 37 CFR §1.111 to the Patent Office on April 28, 2004 in which claims 1-13 were canceled and new claims 14-59 were added (for a total of 46 total claims; four of which were independent claims). An Amendment Transmittal Letter accompanied the Amendment authorizing the fee for the additional claims (26 claims in excess of 20, and one claim in excess of three) to Deposit Account No. 19-0065. On February 14, 2005, Applicants filed a Request for Continued Examination (RCE) Transmittal, along with a Petition and Fee for Extension of Time Under 37 CFR §1.136(a) and an Amendment Under 37 CFR §1.111 in response to an Advisory Action dated January 11, 2005 in the subject application. In their Amendment, Applicants canceled claims 22, 29, 33, 38, 47, and 59. Accordingly, claims 14-21, 23-28, 30-32, 34-37, 39-46, and 48-58 are pending in the subject application (for a total of 40 claims; four of which are independent claims).

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Docket No. MOR-100D2
Serial No. 09/981,639

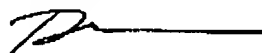
On March 14, 2005, the undersigned's Deposit Account No. 19-0065 was charged \$100.00 (control number 2) for 1 claim in excess of three (fee code 2201) and \$500.00 (control number 3) for 20 claims in excess of twenty (fee code 2202), a copy of which Deposit Account Statement is attached. However, Applicants had already paid for an additional 26 total claims and one additional independent claim in their Amendment dated April 28, 2004.

As is clearly stated in 37 CFR § 1.114, "... an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) . . ." Thus, additional claim fees are not charged unless additional claims beyond that already pending in the application at the time of filing of the RCE are submitted with the RCE. No additional claims were added to the subject application upon the filing of the RCE. Applicants respectfully assert only the RCE fee required under 37 CFR 1.17(e) should have been charged to undersigned's Deposit Account. Applicants respectfully assert that additional claims fees should not have been charged to the undersigned's Deposit Account.

Accordingly, Applicants respectfully request that a refund in the amount of \$600.00 be credited to Applicants' undersigned representative's Deposit Account No. 19-0065 based on the following calculation based on small entity status:

- (1) \$100.00 -- charge for one (1) independent claim in excess of three (3)
- (2) \$500.00 -- charge for 20 claims in excess of 20
-
- (3) \$600.00 -- total refund to be credited to Deposit Account No. 19-0065

Respectfully submitted,



Doran R. Pace
Patent Attorney
Registration No. 38,261
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

DRP/sl

Attachment: Copy of Deposit Account statement

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**United States
Patent and
Trademark Office**

Requested Statement Month: Mar-05
Deposit Account Number: 190065
Name: SALIWANCHIK, LLOYD &
SALIWANCHIK
Attention:
Address: PO BOX 142950
City: GAINESVILLE
State: FL
Zip: 32614
Country: UNITED STATES OF
AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
14-Mar	2	9981639	MOR-100D2	2201	\$100.00
14-Mar	3	9981639	MOR-100D2	2202	\$500.00